

JOHN OAKASON

IBLA 72-24

Decided November 12, 1971

Oil and Gas Leases: Generally

The Secretary, in the exercise of his discretionary authority respecting issuance of oil and gas leases, may require acceptance of special stipulations as a condition precedent to issuance of such a lease, where the stipulations are designed to protect the soil and surface resources and Indian archaeological artifacts under his jurisdiction and do not interfere unreasonably with the lessee's rights of enjoyment.

IBLA 72-24 : C 12108

JOHN OAKASON : Oil and gas lease special
: stipulations required

: Affirmed

DECISION

John Oakason has appealed from a decision dated June 22, 1971, of the Colorado state office, Bureau of Land Management, insofar as it required him to accept, as a condition precedent to issuance of oil and gas lease C 12108, special stipulations designed to protect any Indian ruins of archaeological value existing within the area sought to be leased, and other surface resources and improvements.

The appellant contends essentially that the stipulations will interfere materially with drilling and exploratory operations on the lease and, consequently, will make it more difficult for him to "interest a major oil company in the development of his lease."

The regulation 43 CFR 3109.2-1 provides that the Bureau of Land Management may require such special stipulations as are necessary for protection of lands embraced in any lease. See Montana Power Company, A-30310 (December 3, 1965). A recent decision, Quantex Corporation et al., 4 IBLA 31 (October 28, 1971), involving several appeals, including some from Oakason, arose from similar requirements by the Bureau of Land Management that special stipulations be accepted as a condition precedent to issuance of an oil and gas lease. There the Board discussed at some length the discretionary authority of the Secretary of the Interior to impose such special stipulations on oil and gas leases. It will serve no useful purpose to repeat that discussion here.

This Board finds the required stipulations reasonable. They will not interfere unduly with the lessee's enjoyment of his lease, and are well within the Secretary's discretionary authority.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior (211 DM 13.5; 35 F.R. 12081), the decision appealed from is affirmed. Oakason is allowed 30 days from the date of this decision within which to submit executed copies of the required stipulation to the Colorado state office, Bureau of Land Management, failing in which his offer C 12108 will be rejected without further notice.

Newton Frishberg, Chairman

We concur.

Anne Poindexter Lewis, Member

Joan B. Thompson, Member.

